

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)
)
JAMES RONALD RITCHIE) Case No. 18-30764-KLP
THERESA ANN RITCHIE) Chapter 13
)
Debtors)

JAMES RONALD RITCHIE)
THERESA ANN RITCHIE)
)
Plaintiffs,)
)
v.) APN: 20-_____
)
OLGA RITCHIE)
3102 E. Laburnum Ave.)
Richmond, VA 23223)
)
and)
)
MOMENTUM TITLE, LLC)
c/o Griffin Scott Dunham, R/A)
1704 Charlotte Ave., Suite 105)
Nashville, TN 37203)
)
Defendants.)

COMPLAINT FOR TURNOVER OF PROPERTY OF THE ESTATE

COME NOW the Plaintiffs, James Ronald Ritchie and Theresa Ann Ritchie (also referred to herein as "Debtors"), by counsel, and as and for their Complaint to Turnover Property of the Estate, state as follows:

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219
Telephone: (804) 225-9500
Facsimile: (804) 225-9598
Email: jkane@kaneandpapa.com
Counsel for Plaintiffs

PARTIES, VENUE AND JURISDICTION

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334, since the dispute arises as a result of, and is related to, the above-referenced matter.

2. This is a core proceeding within the meaning of 28 U.S.C. § 157.

3. This is an Adversary Proceeding within the meaning of Rule 7001 of the Bankruptcy Rules.

4. On or about February 17, 2018, the Debtors filed for relief under Chapter 13 of the U.S. Bankruptcy Code. The Debtors' Chapter 13 Plan has been confirmed and all property of the bankruptcy estate has re-vested in the Debtors.

5. Defendant, Olga Ritchie is the ex-wife of Plaintiff, James Ronald Ritchie and a resident of the Commonwealth of Virginia. Defendant Momentum Title, LLC is a Tennessee limited liability company.

FACTS

6. During the marriage of Olga Ritchie and James Ronald Ritchie, a son was born in 1971 by the name of James Ronald Ritchie, Jr. Plaintiff, James Ronald Ritchie had been estranged from James Ronald Ritchie, Jr. and Defendant Olga Ritchie for many years.

7. On or about May 18, 2020, James Ronald Ritchie, Jr., died intestate leaving Defendant Olga Ritchie and Plaintiff, James Ronald Ritchie, as his only heirs. A copy of James Ronald Ritchie, Jr.'s death certificate is attached hereto as Exhibit "A" and is incorporated herein by this reference.

8. At the time of his death, James Ronald Ritchie, Jr. was the fee simple owner of real estate and improvements located in Nashville, TN known as 7929 Kirkfield Drive, Nashville, TN, more particularly described as

Land in Davidson County, Tennessee, being Lot No. 90, on the Plan of Section One, Phase Three, 2nd Addition to Sugar Valley, of record in Plat at Instrument No. 20071214-0143931, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

("Property").

9. The current assessed value of the Property is \$302,600.00. A copy of the current assessment is attached here as Exhibit "B" and is incorporated herein by this reference.

10. Plaintiff, James Ronald Ritchie, is an elderly gentleman who is gravely ill and dealing with end of life issues. He has difficulty speaking and understanding others.

11. On or about August 10, 2020, Plaintiff, James Ronald Ritchie, received a telephone call from a title company from Nashville, TN.

12. It was Mr. Ritchie's understanding that the title company needed him to sign an affidavit in connection with his son's death in order to avoid having to be responsible for his son's death and to avoid having to appear in court in Tennessee. Being fearful of having to incur new debt and from being forced to travel to Tennessee with his failing health, Mr. Ritchie verbally agreed to sign the document.

13. The following day, August 11, 2020, a notary public appeared at Mr. Ritchie's home, presented him with a document he believed to be the affidavit previously discussed, and Mr. Ritchie signed the same.

14. At no time during the aforesaid process did Mr. Ritchie have the benefit of counsel to review the document, nor was it suggested by the title company's representative.

15. Later that day, after Mr. Ritchie had signed the document with the notary, his wife, Theresa Ann Ritchie sent the undersigned counsel an email expressing concerns about the

situation. Unfortunately, the undersigned counsel was out of town the week of August 10 and unable to respond.

16. On August 13, 2020, the undersigned counsel was copied on an email from the title company to Mrs. Ritchie with an attachment of the document signed by Mr. Ritchie. It was only at that time that the Plaintiffs realized that Mr. Ritchie did not sign an affidavit as represented, but instead signed a Quitclaim Deed conveying all of his interest in the Property to Defendant Olga Ritchie, for no consideration. A copy of said email and Quitclaim Deed is attached hereto as Exhibit "C" and incorporated herein by this reference.

17. After communicating several time with the title company, it was discovered by the undersigned counsel that upon receiving the Quitclaim Deed, on August 13, 2020, Olga Ritchie sold the Property to a third party for \$379,950.00. A copy of the Settlement Statement and Warranty Deed are attached hereto collectively as Exhibit "D" and are incorporated herein by this reference.

18. According to the Settlement Statement, after paying off the debt on the Property and closing costs, the net proceeds from the sale of the Property are \$87,230.64 ("Proceeds").

19. The Proceeds are currently being held in escrow by Defendant Momentum Title, LLC. Momentum Title informed the undersigned that, under Tennessee law, due to the Property being obtained by intestate succession, the Proceeds will need to be held in escrow for six (6) months from the date of death and cannot be released until November 19, 2020.

COUNT I (Turnover of Property of the Estate)

20. The Plaintiffs hereby incorporate and restate the allegations contained in Paragraphs 1 through 19.

21. Not less than one half (½) of the Proceeds and any other assets owned by James Ronald Ritchie, Jr. at the time of his death are assets of the Debtors' bankruptcy estate. See Carroll v. Logan, 735 F.3d 147 (4th Cir. 2013).

22. The Quitclaim Deed conveying the Property to Defendant Olga Ritchie is void and/or voidable as it was procured by improper means, by fraud and misrepresentation, and without Court approval as required by the terms of the Debtors' confirmed Chapter 13 Plan.

COUNT II (Constructive Trust and Accounting)

23. The Plaintiffs hereby incorporate and restate the allegations contained in Paragraphs 1 through 22.

24. The Plaintiffs are entitled to have a constructive trust placed upon the Proceeds and any other assets owned by James Ronald Ritchie, Jr. at the time of his death.

25. The Plaintiffs are entitled to an accounting by Olga Ritchie of all other assets owned by James Ronald Ritchie, Jr.

COUNT III (Injunctive Relief)

26. The Plaintiffs hereby incorporate and restate the allegations contained in Paragraphs 1 through 25.

27. There is an actual and justiciable controversy between the parties as to rights of the parties in this case.

28. The Plaintiffs are entitled to an immediate injunction prohibiting Defendant Momentum Title, LLC from disbursing any of the Proceeds until this adversary proceeding has been fully adjudicated.

29. The Plaintiffs state that they are entitled to Injunctive Relief because:

- (a) They have clearly shown that they are likely to prevail on the merits of this adversary proceeding;
- (b) Injunctive relief is necessary to maintain the status quo and to prevent loss of assets of the bankruptcy estate during the pendency of this adversary proceeding;
- (c) The Plaintiffs have clearly shown that they will suffer, absent injunctive relief, irreparable injury for which there is no adequate remedy at law; and
- (d) The balance of equities is weighed in favor of the Plaintiffs for injunctive relief as they stand to suffer irreparable injury if Momentum Title, LLC is not enjoined from disbursing the Proceeds while, on the other hand, Momentum Title, LLC will sustain no losses if subject to the injunction as they are holding the Proceeds in their capacity as escrow agent and have no stake in the outcome of this adversary proceeding.
- (e) Granting a temporary injunction herein is in the public interest.

RELIEF REQUESTED

WHEREFORE, the Plaintiffs respectfully request that this Court grant judgment as follows:

- a. Ordering that not less than one half (½) of the Proceeds and any other assets owned by James Ronald Ritchie, Jr. at the time of his death are assets of the Debtors' bankruptcy estate and that the same be immediately turned over to the Chapter 13 Trustee in this case.
- b. Imposing a constructive trust be imposed on the Proceeds and any other assets owned by James Ronald Ritchie, Jr. at the time of his death.
- c. Ordering Defendant Olga Ritchie to provide a full accounting to the Court of all assets owned by James Ronald Ritchie, Jr. at the time of his death.

d. Enjoining Defendant Momentum Title, LLC from disbursing any of the Proceeds until this adversary proceeding has been fully adjudicated.

e. Ordering such other relief as the Court may deem appropriate.

Dated: August 28, 2020

Respectfully Submitted,

JAMES RONALD RITCHIE
THERESA ANN RITCHIE

By: /s/ James E. Kane

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219
Telephone: (804) 225-9500
Facsimile: (804) 225-9598
Email: jkane@kaneandpapa.com
Counsel for Plaintiffs

STATE OF TENNESSEE
Office of Vital Records

EXHIBIT A

TENNESSEE DEPARTMENT OF HEALTH
CERTIFICATE OF DEATH

STATE FILE NUMBER 2020 030821

1. Decedent's Legal Name JAMES RONALD RITCHIE JR.			2. Sex MALE	3. Date of Death 05/22/1971
4. Time of Death (A.M. or P.M.) 22:10	5. Age 42	6. Date of Birth 05/22/1931	7. Birthplace RICHMOND, VA	
8. Place of Death DECEDENT'S HOME				
9. Facility Name 7829 KIRKFIELD DRIVE		10. City or Town NASHVILLE	11. County of Death DAVIDSON	
12. Marital Status NEVER MARRIED		13. Surviving Spouse (Name prior to first marriage) OLGA NEINYK	14. Decedent's Last Occupation BUSINESS ANALYST	
15. Social Security Number 25-32-3881		16. Residence- State or Foreign Country TENNESSEE	17. City of Birth NASHVILLE	
18. Street and Number 7829 KIRKFIELD DRIVE		19. Inside City Limits? YES	20. Zip Code 37211	21. Was Decedent ever in US Armed Forces? NO
22. Decedent's Education BACHELOR'S DEGREE		23. Decedent's Hispanic Origin? NO, NOT SPANISH/SPANIC/LATINO	24. Decedent's Race WHITE	
25. Father's Name JAMES RONALD RITCHIE				
26. Mother's Name OLGA RITCHIE		27. Mother's Name Prior to First Marriage OLGA NEINYK		
28a. Informant's Name OLGA RITCHIE	29a. Relationship to Decedent MOTHER	30a. Mailing Address 3102 LABURNUM AVE, RICHMOND, VA 23223		
29b. Method of Death BURIAL/REMOVAL FROM STATE	31b. Place of Disposition SIGNAL HILL MEMORIAL PARK	32a. Location HANOVER, VA		
32a. Signature of Funeral Director ► (s) J. DAVID DIAL		32b. License Number 5144	32c. Signature of Embalmer ► (s) J. David Dial	32d. License Number 5170
33a. Name and Address of Funeral Home WOODBINE FUNERAL HOME, INC., HICKORY CHAPEL, 3852 NOLENSVILLE ROAD, NASHVILLE, TN 37211		33b. License Number 700		
34. Registrar's Signature ► (s) EDWARD G. BISHOP III		35. Date Filed 03/28/2020		
36. Certification 36a. PHYSICIAN - TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE DATE, TIME, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER STATED 36b. MEDICAL EXAMINER - ON THE BASIS OF EXAMINATION, AND/OR INVESTIGATION, IN MY OPINION, DEATH OCCURRED AT THE DATE, TIME, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER STATED				
37a. Certifier ► (s) ERIN M. CARNEY, M.D.	37b. License Number 50100	37c. Date Signed 03/21/2020		
38. Physician and Associate ERIN M. CARNEY, M.D., 800 R.S. CASS BLVD, NASHVILLE, TN 37216				
39. Part I. ENTER THE CAUSE OF DEATH, DISEASE, INJURY, OR COMPLICATIONS THAT DIRECTLY CAUSED THE DEATH. DO NOT ENTER TERMINAL EVENTS, SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. ENTER ONLY ONE CAUSE OR A LINE.				
40. Underlying Cause 40a. Primary Cause 40b. Secondary Cause 40c. Contributing Cause 40d. Contributing Cause 40e. Contributing Cause 40f. Contributing Cause 40g. Contributing Cause 40h. Contributing Cause 40i. Contributing Cause 40j. Contributing Cause 40k. Contributing Cause 40l. Contributing Cause 40m. Contributing Cause 40n. Contributing Cause 40o. Contributing Cause 40p. Contributing Cause 40q. Contributing Cause 40r. Contributing Cause 40s. Contributing Cause 40t. Contributing Cause 40u. Contributing Cause 40v. Contributing Cause 40w. Contributing Cause 40x. Contributing Cause 40y. Contributing Cause 40z. Contributing Cause				
41. Part II. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE, GIVEN IN PART				
42a. Was an Autopsy Performed? NO		42b. Were Autopsy Findings Available to Complete the Cause of Death? NO		
43. Manner of Death PENDING INVESTIGATION		44. Did Tobacco Use Contribute to Death? N/A	45. If Falsified	
46. If Transportation Injury, Specify		47a. Date of Injury	47b. Time of Injury	47c. Injury at Work?
		47d. Place of Injury	47e. Location of Injury	
		47f. Describe How Injury Occurred		

FD-1022 (Rev. 02/2014)

RDA/M12

12092836

I hereby certify the above to be a true and correct representation of the record or document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Tennessee Department of Health. Alteration or erasure voids this certification. Reproduction of this document is prohibited.

Tennessee Code Annotated 68-3-101 et seq., Vital Records Act of 1977

Edward G. Bishop III, Lisa Piercy
Edward G. Bishop III Lisa Piercy, MD, MBA, FAAP
State Registrar Commissioner

1 2 0 9 2 8 3 6

Date Issued: May 29, 2020

CERTIFICATION OF VITAL RECORD





(<https://www.padctn.org>)



Property Summary

[Page \(/prc/property/240044/card/1\)](/prc/property/240044/card/1)

Printable Property

[Record Card \(/prc/property/240044/print\)](/prc/property/240044/print)

Building and

[Improvement Details \(/prc/property/240044/card/1/interior\)](/prc/property/240044/card/1/interior)

Historical

[Data \(/prc/property/240044/card/1/historical\)](/prc/property/240044/card/1/historical)

Review/

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Google/

[Bing Maps \(/prc/property/240044/card/1/map\)](/prc/property/240044/card/1/map)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

Map & Parcel: 181 01 0B 262.00

Card 1 of 1 ▾

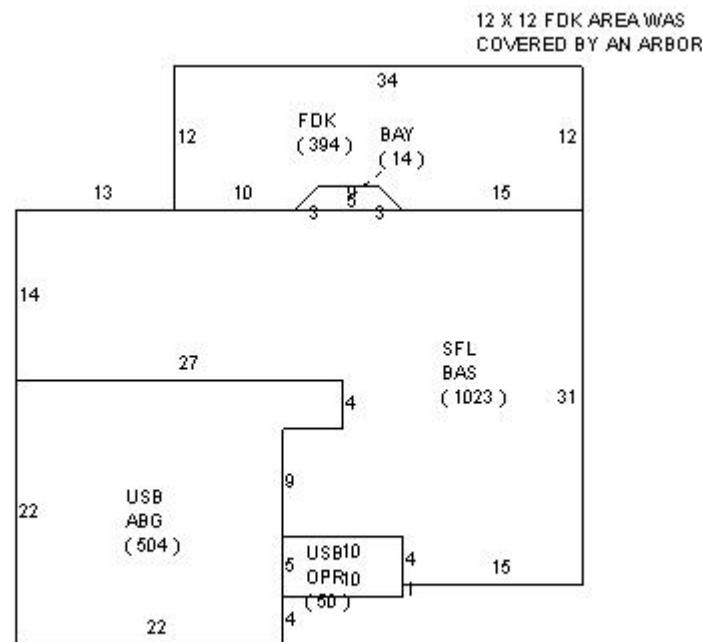
Location: 7929 KIRKFIELD DR

Current Owner: RITCHIE, JAMES RONALD & OLGA



(https://www.padctn.org/prc/Image_2020_May\240000\44001.JPG)

Click to Enlarge (https://www.padctn.org/prc/Image_2020_May\240000\44001.JPG)



(https://www.padctn.org/prc/Sketch_2020_May\240000\44001.jpg)

Click to Enlarge (https://www.padctn.org/prc/Sketch_2020_May\240000\44001.jpg)

Sketch Details (/prc/property/240044/card/1/interior)

Mailing Address: 7929 KIRKFIELD DR, NASHVILLE, TN 37211

Legal Description: LOT 90 SUGAR VALLEY SECT 1 PH 3 2ND ADDITION

Tax District: GSD [View Tax Record](#) (https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)

Assessment Classification*: RES

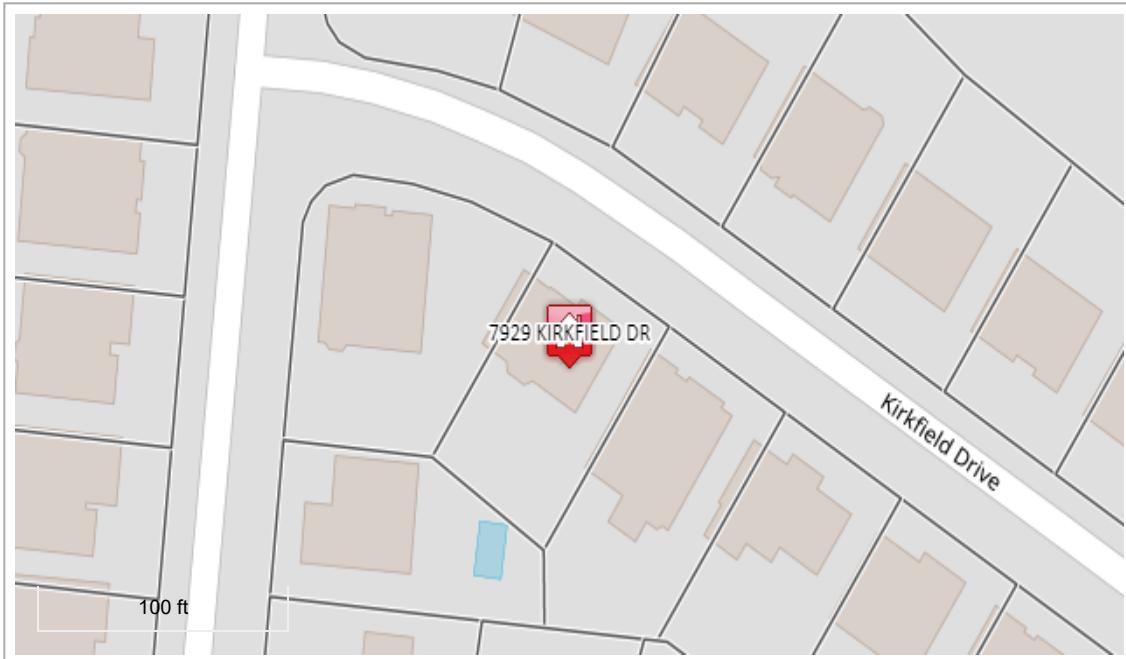
Legal Reference: 20200814-0091480 [View Deed](#)

(<https://www.davidsonportal.com/gis/file.php?file=202008140091480>)

Sale Date: 05/18/2020

Sale Price: \$0

MAP TOOLS



Comper

Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=181010B26200CO>)



Pictometry

Aerial Photos (<http://community.spatialest.com/tn/davidson/pictometry.php?y=36.015700&x=-86.692446>)



Metro

Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=181010B26200CO>)



To view data for another property click in map to select

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

Assessment Year: 2020

Last Reappraisal Year: 2017

Improvement Value: \$247,600

Land Value: \$55,000

Total Appraisal Value: \$302,600

Assessed Value: \$75,650

Property Use: SINGLE FAMILY

Zone: 1

Neighborhood: 6331

Land Area: 0.15 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM	Number of Rooms: 8
Year Built: 2014	Number of Beds: 3
Square Footage: 2,614	Number of Baths: 2
Exterior Wall: BRICK/FRAME	Number of Half Bath: 1
Story Height: TWO STY	Number of Fixtures: 12
Building Condition: Average	
Foundation Type: CRAWL	

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[Surrounding Counties \(https://www.padctn.org/general/topic-index-and-links/\)](https://www.padctn.org/general/topic-index-and-links/)

CONTACT

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[Directions \(https://www.padctn.org/directions/\)](https://www.padctn.org/directions/)



[E-mail Customer Service \(mailto:assessorweb@nashville.gov\)](mailto:assessorweb@nashville.gov)

[Facebook \(https://www.facebook.com/metronashvilleassessorofproperty/\)](https://www.facebook.com/metronashvilleassessorofproperty/)

[Twitter \(https://twitter.com/NSHPropAssessor\)](https://twitter.com/NSHPropAssessor)

Main Line: (615) 862-6080 Fax: (615) 862-6057 Open Monday - Friday, 8:00 am-4:30 pm (Except Holidays)

Mailing: P.O. Box 196305 Nashville, TN 37219-6305 Physical: 700 2nd Ave S, Suite 210, Nashville, TN 37210



For ADA assistance: please contact Kristina Ratcliff at (615) 862-6998.

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26848162

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QUITCLAIM DEED		STATE OF TENNESSEE COUNTY OF DAVIDSON Virginia Kirkfield City
TRICIA NAJLA NICOLOSI NOTARY PUBLIC REGISTRATION # 7756550 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES SEPT. 30, 2021		THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$0.00.
G-VRES-20-7929		SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 11 DAY OF August 2010 Tricia Najla Nicolo Notary Public September 30, 2021 (AFFIX SEAL)
THIS INSTRUMENT WAS PREPARED BY Rudy Title and Escrow, LLC 2012 21st Avenue South Nashville, TN 37212		
ADDRESS NEW OWNER(S) AS FOLLOWS:		
Olga Ritchie	SEND TAX BILLS TO: New Owner	MAP / PARCEL NUMBER(S)
(NAME) 7929 Kirkfield Drive	(NAME) N/A	181-01-0B-262.00-CO
(ADDRESS) Nashville, TN 37211	(ADDRESS) N/A	
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

For and in consideration of the sum of TEN DOLLARS, cash in hand, paid by the hereinafter named Grantee(s), and other good and valuable consideration, the receipt of which is hereby acknowledged, JAMES R. RITCHIE, hereinafter called the Grantor(s), has/have bargained and sold, and by these presents do/does transfer and convey unto OLGA RITCHIE, hereinafter called the Grantee(s), his/her/its/their heirs, successors and assigns, that certain tract or parcel of land in DAVIDSON COUNTY, STATE OF TENNESSEE, described as follows, to wit:

Land in Davidson County, Tennessee, being Lot No. 90, on the Plan of Section One, Phase Three, 2nd Addition to Sugar Valley, of record in Plat at Instrument No. 20071214-0143931, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being the same property conveyed to James Ritchie by Warranty deed from Gerald C. Mason and Timothy Jay Stallman, a married couple, as joint tenants with full rights of survivorship of record in Instrument No. 20160930-0103081 Register's Office for Davidson County, Tennessee, dated September 28, 2016 and recorded on September 30, 2016. James Ritchie having since died leaving Olga Ritchie and James R. Ritchie as his heirs at law as evidenced by Affidavit of Heirship recorded simultaneously herewith in Instrument No. 202008140091479 and Instrument No. 202008140091480, Register's Office for Davidson County, Tennessee.

This is improved property known as: 7929 Kirkfield Drive, Nashville, Tennessee 37211.

Karen Johnson Davidson County Batch# 457508 DEEDOC 08/14/2020 02:46:30 PM 3 pgs Fees: \$17.00 Taxes: \$0.00 20200814-0091481
--

WHEN RECORDED RETURN TO
Momentum Title, LLC
630 W. Burton Street
Murfreesboro, TN 37130
File No. 3-20-8147

Quitclaim Deed

202008140091481

Witness my/our hand(s) this the 11th day of August, 2020.

James R. Ritchie
James R. Ritchie

STATE OF Virginia
COUNTY OF Richmond City

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, JAMES R. RITCHIE, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she/they executed the within instrument for the purposes therein contained.

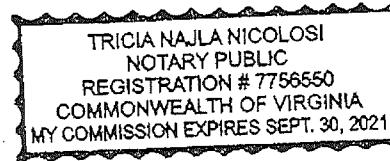
Witness my hand and official seal, this the 11th of August, 2020.

Tricia Najla Nicolosi
Notary Public

My Commission Expires

(SEAL)

RETURN TO:
Rudy Title and Escrow, LLC
2012 21st Avenue South
Nashville, TN 37212
Phone: 615-383-2903

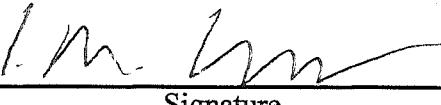


Quitclaim Deed

202008140091481

True Copy Certification

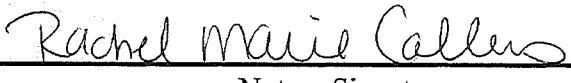
I, Christopher M. Corriveau, do hereby make oath that I am a licensed attorney and /or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



Signature

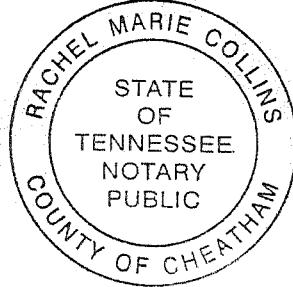
State of Tennessee
County of Davidson

Personally appeared before me, Rachel Marie Collins, a notary public for the state of Tennessee, Christopher M. Corriveau who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary Signature

My Commission Expires: 3-06-2024



Jim Kane

From: Loy Carney <Loy@rudytitle.com>
Sent: Thursday, August 13, 2020 7:05 PM
To: virginiawoman53@yahoo.com
Cc: Jim Kane
Subject: Quitclaim Deed

Please find the requested copy of the quitclaim deed attached in the secure attachment portal below.

Citrix Attachments Expires February 9, 2021

20200813174833248.pdf 174 KB

[Download Attachments](#)

Loy Carney uses Citrix to share documents securely. [Learn more.](#)

Loy Carney
Attorney At Law
Rudy Title & Escrow, LLC



[615-383-2903](tel:615-383-2903) | [615-620-3546](tel:615-620-3546)

Loy@RudyTitle.com

www.RudyTitle.com

2012 21st Ave S, Nashville, TN 37212

[Obtain a Title Insurance Quote By Clicking Here](#)

BE AWARE

CYBERCRIME IS ON THE RISE. If you receive an email containing **WIRE TRANSFER INSTRUCTIONS**, please confirm by voice call to the sender's PUBLISHED phone. Do not use the phone number in the email.

RUDY TITLE WILL ONLY SEND WIRE INSTRUCTIONS BY SECURE EMAIL

AND WE WILL REQUEST THAT YOU CONFIRM RECEIPT BY CALLING
OUR PUBLISHED PHONE NUMBER.

WHAT TO DO:

STOP If you receive an unexpected email that comes from anyone directing you to wire money.

DO verify any wiring instructions through the sender's published voice number.

STOP If you receive any last-minute change to wiring instructions. This is likely fraud.

DO change your email password often during the closing process.

Closing Disclosure

Closing Information

Date Issued 08/13/2020
Closing Date 08/13/2020
Disbursement Date 08/13/2020
Settlement Agent Momentum Title, LLC
File # 3-20-8147
Property 7929 Kirkfield Drive
Nashville, TN 37211
Sale Price \$379,950.00

Transaction Information

Borrower Spencer Paul Simmons and Ashley Cotter Simmons
8218 Rossi Road
Brentwood, TN 37027
Seller Olga Ritchie
7929 Kirkfield Drive
Nashville, TN 37211
Lender CMG Mortgage, Inc., dba CMG Financial

Summaries of Transactions

SELLER'S TRANSACTION

M. Due to Seller at Closing \$380,000.41
01 Sale Price of Property \$379,950.00
02 Sale Price of Any Personal Property Included in Sale
03
04
05
06
07
08
Adjustments for Items Paid by Seller in Advance
09 City/Town Taxes
10 County Taxes
11 Assessments 08/13/2020 to 12/31/2020 \$50.41
12
13
14
15
16

N. Due from Seller at Closing \$292,769.77
01 Excess Deposit
02 Closing Costs Paid at Closing (J) \$24,647.00
03 Existing Loan(s) Assumed or Taken Subject to
04 Payoff of First Mortgage Loan to Wells Fargo Home .. \$259,834.48
05 Payoff of Second Mortgage Loan
06
07
08 Seller Credit \$7,000.00
09
10
11
12
13
Adjustments for Items Unpaid by Seller

14 City/Town Taxes
15 County Taxes 01/01/2020 to 08/13/2020 \$1,288.29
16 Assessments
17
18
19

Calculation
Total Due to Seller at Closing (M) \$380,000.41
Total Due from Seller at Closing (N) -\$292,769.77
Cash to Close From To Seller \$87,230.64

Contact Information

Real Estate Broker (B)

Name Benchmark Realty LLC
Address 630 West Burton Street Murfreesboro, TN 37130
ST License ID 261865
Contact Jeanette Angell
Contact ST License ID
Email jeanetteangell@icloud.com
Phone (615) 887-3105

Real Estate Broker (S)

Name Village Real Estate Services
Address 2206 21st Avenue South Suite 200 Nashville, TN 37212
ST License ID 255411
Contact Chandler Whitley
Contact ST License ID
Email chandler@bttenashville.com
Phone

Settlement Agency

Name Momentum Title, LLC
Address 630 W. Burton Street Murfreesboro, TN 37130
ST License ID 2445281
Contact Chris Corriveau Momentum
Contact ST License ID 941121
Email processing@momentumtitletn.com
Phone

Questions? If you have questions about the loan terms or costs on this form, use the contact information below. To get more information or make a complaint, contact the Consumer Financial Protection Bureau at www.consumerfinance.gov/mortgage-closing

Closing Cost Details

		Seller Paid At Closing	Before Closing
LOAN COSTS			
A. Origination Charges			
01 0.582% of Loan Amount (Points)			
02			
03			
04			
B. Services Borrower Did Not Shop For			
01			
02			
03			
04			
05			
06			
07			
C. Services Borrower Did Shop For			
01 Payoff Processing to Momentum Title, LLC			\$25.00
02			
03			
04			
05			
06			
07			
08			
OTHER COSTS			
E. Taxes and Other Government Fees			
01 Recording Fees Deed: \$18.00 Mortgage: \$83.00			\$59.00
02 Electronic Recording Fee to Momentum Title, LLC			\$16.00
03			
04			
F. Prepads			
01 Homeowner's Insurance Premium to tbd			
02 Mortgage Insurance Premium			
03 Prepaid Interest			
04 Property Taxes			
05			
G. Initial Escrow Payment at Closing			
01 Homeowner's insurance			
02 Mortgage insurance			
03 Property taxes			
04			
05			
06			
07			
08			
H. Other			
01 Listing Agent Commission to Village Real Estate Services			\$11,398.50
02 HOA Statement of Account Reimbursement to Rudy Title & Escrow, LLC			\$485.00
03 HOA Legacy Account Closure Fee to Associa Tennessee			\$225.00
04 Current Owner HOA Balance to Sugar Valley HOA			\$440.00
05 Base Commission Fee to Village Real Estate Services			\$150.00
06 Seller Settlement Fee to Rudy Title & Escrow, LLC			\$450.00
07 Selling Agent Commission to Benchmark Realty LLC			\$11,398.50
08			
09			
10			
11			
J. TOTAL CLOSING COSTS			\$24,647.00

Confirm Receipt

*Olga Ritchie by Margaret Means
her Attorney-in-Fact 8/13/20*

Olga Ritchie by Margaret Means, her Attorney-in-Fact

Date

Momentum Title, LLC
630 W. Burton Street
Murfreesboro, TN 37130
(615) 921-2524

ALTA Combined Settlement Statement

File #:	3-20-8147	Property	7929 Kirkfield Drive	Settlement Date	08/13/2020
Prepared:	08/13/2020		Nashville, TN 37211	Disbursement Date	08/13/2020
Licensed Agent:	Chris Corriveau	Momentum Buyer	Spencer Paul Simmons and		
			Ashley Cotter Simmons		
		Seller	Olga Ritchie		
		Lender	CMG Mortgage, Inc., dba		
			CMG Financial		

Seller		Buyer	
Debit	Credit	Debit	Credit
Primary Charges & Credits			
	\$379,950.00	Sales Price of Property	\$379,950.00
		Deposit	\$4,000.00
		Loan Amount	\$373,067.00
\$7,000.00		Seller Credit	\$7,000.00
		Lender Credit	\$2,171.00
		Gift Funds	\$5,000.00
Prorations/Adjustments			
	\$50.41	Assessments 08/13/2020 to 12/31/2020	\$50.41
\$1,288.29		County Taxes 01/01/2020 to 08/13/2020	\$1,288.29
Loan Charges			
		0.582% of Loan Amount (Points)	\$2,171.25
		Admin Fee	\$695.00
		Processing Fee	\$425.00
		Tax Service Fee	\$70.00
\$25.00		Payoff Processing to Momentum Title, LLC	
		Appraisal Fee	\$495.00
		Credit Report Fee	\$65.00
		Up-Front MIP	\$6,416.39
		Prepaid Interest (\$28.11 per day from 08/13/2020 to 09/01/2020)	\$534.09
Impounds			
		Homeowner's insurance \$90.42 per month for 3 mo.	\$271.26
		Property taxes \$173.68 per month for 11 mo.	\$1,910.48
		Aggregate adjustment	\$361.68
Payoffs/Payments			
\$259,834.48		Payoff to Wells Fargo Home Mortgage	
Government Recording and Transfer Charges			
\$59.00		Recording Fees	\$101.00
		--Deed: \$18.00	
		--Mortgage: \$83.00	
		--Affidavit: \$12.00	
		--Affidavit 2: \$12.00	
		--Power of Attorney: \$17.00	
		--Quitclaim Deed: \$18.00	
		Conveyance Tax (State Deed Taxes) to Davidson County Register of Deeds	\$1,405.82

Seller		Buyer	
Debit	Credit	Debit	Credit
\$16.00	Electronic Recording Fee to Momentum Title, LLC	\$8.00	
	Mortgage Tax (State Security Instrument Taxes) to Davidson County Register of Deeds	\$426.73	
	Commissions		
\$150.00	Base Commission Fee to Village Real Estate Services		
\$11,398.50	Listing Agent Commission to Village Real Estate Services		
\$11,398.50	Selling Agent Commission to Benchmark Realty LLC		
	Title Charges		
	Title - CPL (Lender) to First American Title Insurance Company	\$50.00	
	Title - Lender's Title Policy to First American Title Insurance Company	\$2,027.00	
	Title - Settlement Fee to Momentum Title, LLC	\$450.00	
	Title - Owner's Title Policy to First American Title Insurance Company	\$77.00	
	Miscellaneous Charges		
\$440.00	Broker Admin Fee to Benchmark Realty LLC	\$150.00	
\$225.00	Current Owner HOA Balance to Sugar Valley HOA		
	HOA Legacy Account Closure Fee to Associa Tennessee		
	HOA New Account Setup Fee to Sugar Valley HOA	\$75.00	
\$485.00	HOA Statement of Account Reimbursement to Rudy Title & Escrow, LLC		
	HOA Working Capital to Sugar Valley HOA	\$200.00	
\$450.00	Seller Settlement Fee to Rudy Title & Escrow, LLC		
	Homeowner's Insurance Premium to tbd	\$1,085.00	
Seller		Buyer	
Debit	Credit	Debit	Credit
\$292,769.77	\$380,000.41	Subtotals	\$399,109.43 \$392,887.97
		Due from Buyer	\$6,221.46
\$87,230.64		Due to Seller	
\$380,000.41	\$380,000.41	Totals	\$399,109.43 \$399,109.43

See signature addendum

Signature Addendum

Acknowledgement

We/I have carefully reviewed the Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the Settlement Statement.
We/I authorize Momentum Title, LLC to cause the funds to be disbursed in accordance with this statement.

Spencer Paul Simmons

Date

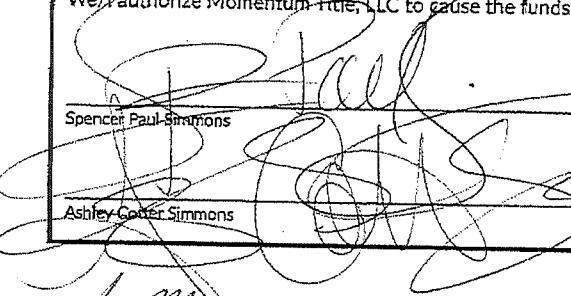
Olga Ritchie by Margaret Means, her Attorney-In-Fact

Date

Ashley Carter Simmons

Date

8/13/2020


Settlement Agent

8/13/2020

Date

Signature Addendum

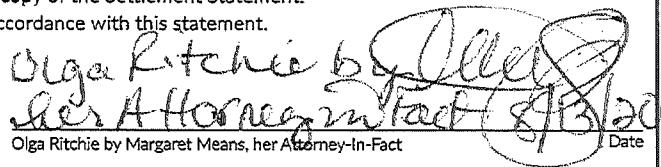
Acknowledgement

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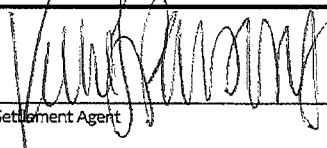
Spencer Paul Simmons

Date


Olga Ritchie by Margaret Means, her Attorney-In-Fact (8/13/20)
Date

Ashley Cotter Simmons

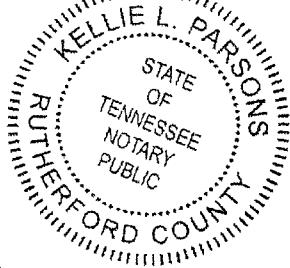
Date


Settlement Agent


Date

Karen Johnson Davidson County
 Batch# 457508 DEEDWAR
 08/14/2020 02:46:30 PM 3 pgs
 Fees: \$18.00 Taxes: \$1,405.82
 20200814-0091483

WARRANTY DEED



G-VRES-20-7929

STATE OF TENNESSEE
 COUNTY OF DAVIDSONTHE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER,
 FOR THIS TRANSFER IS \$379,950.00

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 13th DAY OF
 AUGUST, 2020.

 Notary Public
 08/14/23
 (AFFIX SEAL)

MY COMMISSION EXPIRES:

THIS INSTRUMENT WAS PREPARED BY

Rudy Title and Escrow, LLC
 2012 21st Avenue South
 Nashville, TN 37212

ADDRESS NEW OWNER (S) AS FOLLOWS:

SEND TAX BILLS TO:

MAP / PARCEL NUMBER (S)

Spencer Paul Simmons and Ashley
 Cotter Simmons

New Owner

(NAME)
 7929 Kirkfield Drive

(NAME)

181-01-0B-262.00-CO

(ADDRESS)
 Nashville, TN 37211

(ADDRESS)

Nashville, TN 37211

(CITY) (STATE) (ZIP)

(CITY) (STATE) (ZIP)

For and in consideration of the sum of **TEN DOLLARS**, cash in hand, paid by the hereinafter named Grantee(s), and other good and valuable consideration, the receipt of which is hereby acknowledged, **OLGA RITCHIE, UNMARRIED**, hereinafter called the Grantor(s), has/have bargained and sold, and by these presents do/does transfer and convey unto **SPENCER PAUL SIMMONS AND ASHLEY COTTER SIMMONS, HUSBAND AND WIFE**, hereinafter called the Grantee(s), his/her/its/their heirs, successors and assigns, that certain tract or parcel of land in **DAVIDSON COUNTY, STATE OF TENNESSEE**, described as follows, to wit:

Land in Davidson County, Tennessee, being Lot No. 90, on the Plan of Section One, Phase Three, 2nd Addition to Sugar Valley, of record in Plat at Instrument No. 20071214-0143931, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being the same property conveyed to James Ritchie by Warranty deed from Gerald C. Mason and Timothy Jay Stallman, a married couple, as joint tenants with full rights of survivorship of record in Instrument No. 20160930-0103081 Register's Office for Davidson County, Tennessee, dated September 28, 2016 and recorded on September 30, 2016. James Ritchie having since died leaving Olga Ritchie and James R. Ritchie as his heirs at law as evidenced by Affidavit of Heirship recorded simultaneously herewith in Instrument No. 202008140091479 and Instrument No. 202008140091480, Register's Office for Davidson County, Tennessee. Further conveyed by Quitclaim Deed executed by James R. Ritchie dated August 11, 2020 to Olga Ritchie and recorded simultaneously herewith of record in Instrument No. 202008140091481, Register's Office for Davidson County, Tennessee.

This conveyance is subject to:

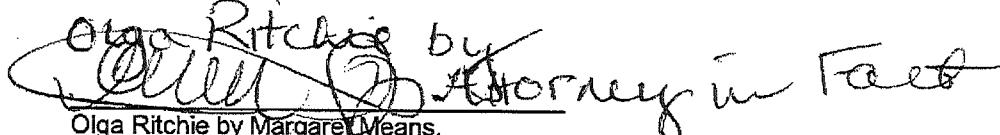
- Taxes for the year 2020 and subsequent years, a lien not yet due and payable.
- Subject to all matters shown on the Plan of record as Instrument Number 20071214-0143931, Register's Office of Davidson County, Tennessee.
- Subject to all matters shown on the Plan of record in Plat Book 421, Page 146, Register's Office for Davidson County, Tennessee.
- Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Covenants, Conditions and Restrictions of record in Book 11069, Page 14 and as amended and supplemented in Instrument No. 20030708-0093637, Instrument No. 20050106-0002201, Instrument No. 20060322-0032693, Instrument No. 20071214-0143932, Instrument No. 20140430-0036256, Register's Office for Davidson County, Tennessee.
- By-Laws of HOA of record in Book 11069, Page 24, in the Register's Office for Davidson County, Tennessee.
- Charter for HOA of record in Book 11069, Page 6, in the Register's Office for Davidson County, Tennessee.
- Deed of common areas to HOA of record in Instrument Number 20130523-0052433, in the Register's Office for Davidson County, Tennessee.
- Easement to Gulf Interstate Gas Co. of record in Book 2244, Page 11, in the Register's Office for Davidson County, Tennessee.
- Sanitary Sewer and Drainage Easement of record in Book 9487, Page 901 and Book 9487, Page 914, in the Register's Office for Davidson County, Tennessee.

- Storm Water Detention Agreement of record in Instrument Number 20040305-0025147, in the Register's Office for Davidson County, Tennessee.
- Right of Way Easement of record in Instrument Number 20020731-0091596, in the Register's Office for Davidson County, Tennessee.
- Any and all existing easements and restrictions as shown of record not stated herein

This is improved property known as: 7929 Kirkfield Drive, Nashville, Tennessee 37211.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE(S), their heirs and assigns forever; and we do covenant with the said GRANTEE(S) that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE(S), their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

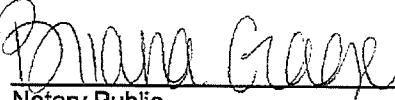
Witness my/our hand(s) this the 13th DAY OF AUGUST, 2020.


Olga Ritchie by Margaret Means,
Attorney in Fact

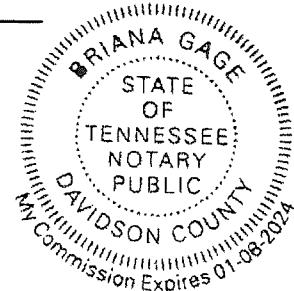
STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Margaret Means, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument in behalf of OLGA RITCHIE, and who acknowledged he/she/they executed the same as the free act and deed of the said OLGA RITCHIE.

Witness my hand and official seal, this the 13th of August, 2020.



Notary Public
My Commission Expires: _____
(SEAL)

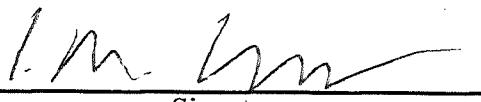


RETURN TO:
Rudy Title and Escrow, LLC
2012 21st Avenue South
Nashville, TN 37212

WHEN RECORDED RETURN TO
Momentum Title, LLC
630 W. Burton Street
Murfreesboro, TN 37130
File No. 3-20-8147

True Copy Certification

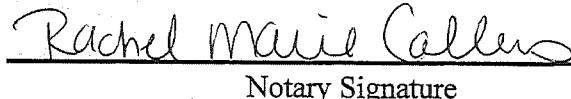
I, Christopher M. Corriveau, do hereby make oath that I am a licensed attorney and /or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



Signature

State of Tennessee
County of Davidson

Personally appeared before me, Rachel Marie Collins, a notary public for the state of Tennessee, Christopher M. Corriveau who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary Signature

My Commission Expires: 3-6-2024

